

1:06cv296

Defendants.

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In allowing the stay in Hartford, and applying the four factors provided in Nautilus Ins. Co. V. Winchester Homes, Inc., 15 F.3d 371 (4th Cir. 1994), the court had before it a factor that is apparently not present here: the state court in South Carolina court had before it the issue of whether the insurance policy provided coverage. This concerns the undersigned inasmuch as it is clear that this claim could have been well made in the Florida action, which is a pure simple negligence complaint. A hearing will be calendared on defendants' Motion to Dismiss and/or Stay Action.

ORDER

IT IS, THEREFORE, ORDERED that the Candler defendants' Motion to Dismiss and/or Stay Action (#8) is **CALENDARED** for hearing on November 30, 2006, at 2 p.m. in Asheville. The Clerk is hereby directed to forward by first class mail a copy of this Order to the Defendant Tami Stephen at the address of 19 Driver Lane, Burnsville, N.C. 28714.

Signed: November 13, 2006

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Dennis L. Howell
United States Magistrate Judge

